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SUBJECT: ASSEMBLY PASSES ELECTORAL LAW AMENDMENTS

¶1. (SBU) Summary: On May 20, 2008 the National Assembly passed a series of amendments to the electoral and registration laws, most of which affect various timelines in the registration and electoral process. Opposition parties strongly opposed the changes, particularly the extension of deadlines for announcing provincial election results from 4 to 7 days, and the national election results from 10 to 15 days. While the amendments will not force a postponement of the planned September 5/6 election, the National Electoral Commission (CNE) must notify the President before June 5 that conditions are set for elections or the planned date could be challenged as unconstitutional. End Summary.

MPLA Pushes Changes Through Assembly

¶2. On May 20th the MPLA-dominated National Assembly passed a series of MPLA-proposed amendments to Angolan electoral and registration laws. The most controversial of these amendments extend the deadline for announcing provincial election results from 4 to 7 days and the national results from 10 to 15 days. MPLA parliamentary leaders called these extensions necessary given the poor state of Angola's infrastructure and projected difficulties in transmitting results, and noted that provisional results would be available far sooner. NOTE: Electoral regulations call for voting stations to "immediately" post results on the station door, which should facilitate relatively accurate provisional results. END NOTE

¶3. (SBU) Other amendments eliminate one seat on the national and local election commissions. The seats were held by judicial branch representatives on the election commissions, and were eliminated due to constitutional provisions prohibiting judges from holding positions or jobs outside the judiciary. These changes increase the power of the commission president, as they leave the electoral commission with an even number of seats, giving the president of each commission a tie-breaking vote. It is as yet unknown how this change may affect the National Electoral Commission (CNE) President Caetano de Sousa, who is also the vice-president of the Supreme Court. The GRA has long-justified his position on the CNE, as de Sousa is on a leave of absence from the court.

Meeting the President's Timetable?

¶4. (SBU) One amendment extends the amount of time the Inter-Ministerial Commission for the Registration Process (CIPE) must publicly display electoral rolls following a registration period from 4-15 days following the registration's end to 15-30 days. As a result, the CIPE won't complete and turn the rolls over to the CNE until early July 2008, or up to 31 days following the May 31 end of the registration update currently underway. It is unclear whether the CNE will wait until the rolls are submitted before it informs President Dos Santos that conditions are set for elections, which is a legal prerequisite to the President's convocation of elections. As the President must

convoke elections at least 90 days before the election date, if the CNE waits for the registration rolls, elections will be in early October, rather than early September 2008.

15. (SBU) The remaining amendments affect minor changes to the amount of time allowed to submit, in writing, notice of errors in the electoral rolls, and the amount of time that authorities have to respond to these written complaints.

Opposition Ire Sparked by Amendments

16. (SBU) Critics accuse the MPLA of putting the stability of the electoral process at risk by making these changes so close to the projected election date. Eight of the largest opposition parties and coalitions signed an official protest of these changes and accused the MPLA of "introducing a flawed procedure that could later be used to legalize operational fraud, as is happening in Zimbabwe." National Electoral Commission (CNE) spokesman Adao de Almeida welcomed the changes, noting the logistical hurdles posed by the legal requirement that certified hard copies of the results be delivered from voting stations to municipal authorities and on up the chain of command.

Elections Remain on Track for 2008

17. (SBU) COMMENT: Political parties and Angolan voters are waiting to see if the CNE will notify President Dos Santos that conditions are set for legislative elections in time for him to officially call elections 90 days in advance of the planned September 5/6 vote. The amendments to the electoral

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law will not force a postponement of the election day(s), but certain provisions related to the publication of voters rolls could be used by the CNE to justify a delay in notifying the President that electoral conditions are set. The constitutionality of two days of elections, as announced by the President, versus one day has yet to be resolved. END
COMMENT
FERNANDEZ